

1 THE HONORABLE JOHN L. ROBART  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 BOARDS OF TRUSTEES OF THE  
CEMENT MASONS & PLASTERERS  
10 HEALTH & WELFARE TRUST, *et al.*,

11 NO. 2:16-cv-01986-JLR

Plaintiffs,

v.

12 LUNDEEN SIMONSON  
INCORPORATED, *et al.*,

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**STIPULATION AND JUDGMENT OF  
DISMISSAL OF DEFENDANTS AND  
ACTION WITH PREJUDICE AND  
WITHOUT COSTS OR FEES TO ANY  
PARTIES**

Defendant.

This Stipulated Dismissal is entered into between Plaintiffs and Defendants T.W. Clark Construction, LLC (“T.W. Clark”), Travelers Casualty and Surety Company of America (“Travelers”) and City of Colville (“the City”). The parties hereby stipulate to a judgment of dismissal of all claims and causes of action by Plaintiffs against T.W. Clark, Travelers, and the City with prejudice and without costs or attorney fees to any party. The parties further stipulate to a judgment of dismissal of all claims and causes of action by Plaintiffs against Lundeen Simonson Incorporated without prejudice and without costs or attorney fees to any party.

STIPULATION AND JUDGMENT OF DISMISSAL  
Cause No. 2:15-cv-01986-JLR – 1

5000 331 sd251201

McKENZIE ROTHWELL BARLOW  
& COUGHRAN, P.S.  
1325 FOURTH AVE, SUITE 910  
SEATTLE, WA 98101  
(206) 224-9900



1           Defendant Lundeen Simonson Incorporated has not appeared in this matter.

2           DATED this 27<sup>th</sup> day of April, 2017.

3           McKenzie Rothwell Barlow  
4           & Coughran, P.S.  
5           Attorneys for Plaintiff Trust Funds

Witherspoon Brajcich McPhee  
Attorneys for Defendants T.W. Clark  
Construction, LLC. and Travelers Casualty  
and Surety Company of America

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7           */s/ Noelle E. Dwarzski*  
Noelle E. Dwarzski, WSBA #40041

*/s/ James A. McPhee*  
James A. McPhee, WSBA # 26323

8           Ogden Murphy Wallace, PLLC  
9           Attorneys for Defendant City of Colville

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11           */s/ Charles D. Zimmerman*  
Charles D. Zimmerman, WSBA # 13694

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13           **ORDER**

14           NOW THEREFORE, it is hereby ordered and adjudged that all defendants and this  
15 action are hereby dismissed as set forth above.

16           DATED this 27 day of April, 2017.

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HONORABLE JAMES L. ROBART  
UNITED STATES DISTRICT COURT JUDGE

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STIPULATION AND JUDGMENT OF DISMISSAL  
Cause No. 2:15-cv-01986-JLR - 2

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1 Respectfully Submitted by:

2 McKenzie Rothwell Barlow  
& Coughran, P.S.  
3 Attorneys for Plaintiff Trust Funds

Witherspoon Brajcich McPhee  
Attorneys for Defendants T.W. Clark  
Construction, LLC. and Travelers Casualty  
and Surety Company of America

5 /s/ Noelle E. Dwarzski  
6 Noelle E. Dwarzski, WSBA #40041

/s/ James A. Mc Phee  
James A. McPhee, WSBA # 26323

7 Ogden Murphy Wallace, PLLC  
8 Attorneys for Defendant City of Colville

9 /s/ Charles D. Zimmerman  
10 Charles D. Zimmerman, WSBA # 13694

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12 CERTIFICATE OF SERVICE

13 I hereby certify under penalty of perjury under the laws of the State of Washington  
14 that on this 27<sup>th</sup> day of April, 2017, I electronically filed the foregoing with the Clerk of the  
Court using the CM/ECF system which will send notification to all parties registered with  
CM/ECF in this matter. Defendant Lundeen Simonson Incorporated has not appeared in this  
matter.

16 Dated this 27<sup>th</sup> day of April, 2017, at Seattle, Washington.

17 /s/ Noelle E. Dwarzski  
18 Noelle E. Dwarzski, WSBA #40041  
19 MCKENZIE ROTHWELL BARLOW  
& COUGHRAN, P.S.  
20 Attorneys for Plaintiffs

21 STIPULATION AND JUDGMENT OF DISMISSAL  
22 Cause No. 2:15-cv-01986-JLR – 3

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